

CUPE, LOCAL 4207 Unit 1 COLLECTIVE AGREEMENT FREQUENTLY ASKED QUESTIONS

- RESOURCE FOR CHAIRS & DIRECTORS –

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JOB POSTINGS

[How do I write a job posting that will ensure that I hire the right candidate?](#)

When you select your qualifications for the position, and to ensure you are in compliance with the collective agreement, you must ensure all of the qualifications are **relevant** and **reasonable** to the position.

It also helps to only list qualifications that you can **measure**; for example:

- The successful applicant must have successfully completed POLI 1F90 or equivalent, with a minimum grade of 80%

Article 14.02(c) provides guidelines with respect to the type of qualifications that may be included. Your goal is to be specific enough to be able to hire a qualified applicant, but not so specific as to unreasonably exclude applicants who may be qualified by, for example, having successfully completed the course at another institution. It is best to ensure that you can easily measure whether or not the applicant meets all of the required qualifications.

(See Article 14 for additional information).

[I want to change the qualifications in the job posting. Can I do that?](#)

Yes, you can change qualifications on job postings but the collective agreement states that those changes must be made for pedagogical reasons. All qualifications on the job posting need to be reasonable and relevant to the position. The collective agreement also indicates that stated qualifications cannot be altered for the purpose of excluding applicants who previously performed the appointments satisfactorily. *(See Article 14.02(c) and Article 14.02(d)).*

[How long must I post the job?](#)

Jobs must be posted for a minimum of (10) working days *(see Article 14.02(a)).*

The collective agreement also indicates that the University will endeavour to post positions for the Fall term between April 1 and August 7 each year. Individual departments may choose, but are not required, to post positions for the Winter term during the same posting period identified above.

Are there any exceptions to the job posting requirements?

An exception exists if the following conditions apply:

- An employee withdraws from a work assignment,
- An unanticipated work assignment occurs,
- When a work assignment becomes available after the first day of classes as a result of illness or resignation,
- When a work assignment is offered to an applicant who then declines to accept it

In these cases you can offer the assignment to an applicant for whom you have an application on file and hire as per the regular appointment procedure. If you do not have any applications on file you can assign the work to someone you deem qualified or suitable. (See Article 14.02 (e)).

I made an error when I created the job posting. Can I correct it?

If you noticed an error on the posting, please contact Employee & Labour Relations as quickly as possible. We will assist you in correcting the error in a timely manner and reposting the job.

APPOINTMENTS

Why does it matter that the qualifications are relevant, reasonable and easily measured?

This collective agreement follows a binary (vs. best candidate) model for hiring. In other words, an applicant is either **qualified** because he/she meets the posted qualifications or he/she **isn't qualified**. Of those that are qualified, you must choose the most senior candidate after considering preference in hiring. This is the *binary model* for hiring.

The *best candidate model* would permit you to choose the most qualified candidate among your pool of applicants. This is **not** the model that is used to make appointments in this bargaining unit, as **all applicants that meet the posted qualifications are to be considered qualified**. As stated above, you must select the most senior candidate from the pool of qualified applicants after considering preference in hiring.

Since you must hire under the binary model and an applicant is considered qualified when he/she meets the posted qualifications, it is very important that your posted qualifications reflect your needs.

If none of the applicants are qualified, see question below.

None of the applicants are qualified. Can I hire someone else?

If none of the applicants are *qualified*, you need to consider applicants who are **suitable**. In order to assess if someone is **suitable**, you need to determine if an applicant may have reasonably equivalent qualifications that demonstrate expertise in the specified discipline. If there are neither *suitable* nor *qualified* applicants, then you can appoint any individual you deem suitable to the position. (See Article 15(d)).

Note: if you are making an offer of appointment to a candidate that you have deemed *suitable*, you should reflect that in your written offer to them. For example: "Please consider this email an offer of appointment to TA two (2) sections of POLI 1F90, for which you have been deemed a suitable applicant." By doing so, you mitigate an applicant's future claim that she is qualified for the position, which may be important if in subsequent years you appoint an applicant with less seniority who is qualified (vs. deemed suitable) for the position.

One applicant has more experience than the other. Who do I hire?

The current language in the collective agreement states that “*an applicant shall be deemed qualified if she meets the qualifications as stated in the posting*”. Therefore, when the applicant meets the stated qualifications, he/she is considered qualified, and the job needs to be offered to the most senior applicant after considering preference in hiring. (See Article 15 for additional information).

For example: the qualification on the application reads: “*Demonstrated experience in online learning.*” Applicant A has a seniority date of September 1, 2011 and has several years of experience in online learning, while Applicant B has a seniority date of September 1, 2008 with only one year of experience. Despite the difference in the number of years of experience, both applicants are deemed qualified as both meet the qualification as stated in the posting. As per the collective agreement, Applicant B with the higher seniority date must be offered the position, even though that Applicant B’s total experience is less than the Applicant A.

An applicant who has applied for the position in prior years has not submitted their application. Can I assume they forgot and consider as having applied?

No. You can only consider applicants that have applied to that position as per the job posting process. The exception are incoming graduate students, who are deemed to have applied for their first two academic terms of their graduate studies (as per Article 15).

I need to hire on short notice. What do I do?

If you need to hire due to a situation which arose from the circumstances outlined in Article 14.02(e) below, you are not required to post the job:

- An employee withdraws from a work assignment,
- An unanticipated work assignment occurs,
- When a work assignment becomes available after the first day of classes as a result of illness or resignation,
- When a work assignment is offered to an applicant who then declines to accept it

In these circumstances you can offer the assignment to an applicant for whom you have an application on file and hire as per the regular appointment procedure. If you do not have any applications on file you can assign the work to someone you deem suitable. (See Article 14.02 (e)).

Preference In Hiring

I received applications from students and general employees. Who do I hire?

The collective agreement states that **preference in hiring** shall be given to qualified full-time students in the order below.

- Full-time doctoral candidates enrolled at Brock:
- Full-time graduate students enrolled in a Master’s program at Brock.
- Qualified applicants who are not enrolled as students.

Please note: a graduate student who is on an approved leave of absence from their studies does not have preference in hiring.

For doctoral candidates preference in hiring will be limited to 4 years from the commencement of study. If the defined program length is shorter than 4 years, preference in hiring will be limited to the defined program length.

For master level graduate students preference in hiring will be limited to 2 years from the commencement of study. If the defined program length is shorter than 2 years, preference in hiring will be limited to the defined program length.

(See Article 15.02 for additional information).

I have incoming graduate students who may not be aware of the job postings and/or who may have been accepted to the program after the positions were posted. I need to find them work. What do I do?

As per the collective agreement, all incoming graduate students will be deemed to have applied to all bargaining unit positions for the first two academic terms of their graduate studies. For anything thereafter, the graduate students are required to apply. Despite an incoming graduate students' deemed application, hiring must be made in accordance with Article 15. In other words, incoming graduate students who are given preference in hiring must be qualified for the position (i.e. meet the posted qualifications).

Workload

How many hours can I assign to a graduate student?

Full-time Graduate Students enrolled at Brock University shall not accept an appointment in excess of an average of ten (10) hours per week over an academic term. If the graduate student wants to accept more hours of work, prior permission from the Dean of Graduate Studies is required. A "Request for Approval for Extra On-Campus Employment Hours" needs to be submitted and approved before additional appointments can be accepted. This Form can be found on the HR webpage here: https://brocku.ca/webfm_send/27712

(See Article 22.07(b) & Article. 22.04(a))

How many hours can I assign to an applicant who is not a student?

Nominal workloads differ per position. For further details please refer to Article 22 of the collective agreement. A non-student can normally accept up to 750 hours per term, inclusive of all appointments in all Departments. If the employee also works in non-bargaining unit positions, there may be additional restrictions on the number of hours he/she may work.

How many credit courses can an Instructor accept?

An Instructor can instruct no more than two (2) credit courses per academic year (July 1-June 30). This course credit limit also applies to Facilitators. It does not apply to Teaching Assistant's and other bargaining unit positions. Please be aware that sometimes employees are applying for several positions in numerous Departments and may already have accepted work in other Departments. Although it is the applicant's responsibility to only accept as many appointments as he/she is permitted, please feel free to contact Employee & Labour Relations to review the applicant's current appointment status.

My employee accepted too many offers and is over the workload limits. What do I do?

If an employee has accepted more than the permitted workload, that employee is required to reduce his/her contractual hours.

Performance Evaluations

At what point do I complete a performance evaluation for a bargaining unit member?

Performance evaluations are completed at the end of each appointment. Please note that Article 15.01(b) of the collective agreement states that: "In evaluating an applicant's qualification, performance in a previous appointment will be deemed satisfactory if no written performance evaluation to the contrary exists, or if no performance evaluation has been conducted."

If performance is satisfactory:

- Provide a copy to the employee
- Provide a copy to Human Resources

If performance is unsatisfactory:

- Call Employee & Labour Relations prior to discussing the evaluation with the employee, who will assist with next steps

How do I address unsatisfactory performance during the appointment?

Should the performance of the employee be unsatisfactory at any time during the appointment, please contact Employee & Labour Relations for assistance.

Where can I find the seniority list for CUPE, Local 4207 Unit 1?

The seniority list can be found on HR's website here: https://brocku.ca/human-resources/wp-content/uploads/sites/81/CUPE4207_U1_SeniorityList-1.pdf